

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WASHINGTON**

In re  
W Mark Frazer and Konilynn Frazer  
Debtor

W Mark Frazer and Konilynn Frazer  
Plaintiff

v.

Deutsche Bank National Trust Company, et  
al

Defendant

CHAPTER 7

BANKRUPTCY NO. 10-44491

INTERNAL APPEAL NO. 11-T016

USDC CASE NO. C11-5954BHS

ADVERSARY NO. 10-04390

**CERTIFICATE OF RECORD ON  
APPEAL TO DISTRICT COURT**

The record on appeal, consisting of the trial transcripts (if any) and the trial court clerk's record, is ready for the purposes of the appeal. This record is available in the office of the U.S. Bankruptcy Court Clerk.

The briefing schedule is set upon filing of this document with the US District Court. Attached you will find:

- ☒ DESIGNATION OF RECORD AND STATEMENT OF ISSUES BY APPELLANT  
☐ DESIGNATION OF RECORD BY APPELLEE

DATED January 5, 2012

MARK L. HATCHER  
Clerk of the Bankruptcy Court

By L. Taylor  
Deputy Clerk

CERTIFICATE OF RECORD ON  
APPEAL TO DISTRICT COURT

CERTIFICATE OF SERVICE  
To: USDC and all interested parties  
Date: January 5, 2012  
By: L. Taylor

Appeal

**U.S. Bankruptcy Court  
Western District of Washington (Tacoma)  
Adversary Proceeding #: 10-04390-PBS**

*Assigned to:* Paul B Snyder

*Date Filed:* 11/26/10

*Lead BK Case:* 10-44491

*Lead BK Title:* W Mark Frazer and Konilynn Frazer

*Lead BK Chapter:* 7

*Demand:*

- Nature[s] of Suit:*
- 11 Recovery of money/property – 542 turnover of property
  - 12 Recovery of money/property – 547 preference
  - 13 Recovery of money/property – 548 fraudulent transfer
  - 14 Recovery of money/property – other
  - 21 Validity, priority or extent of lien or other interest in property

***Plaintiff***

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**W Mark Frazer**  
10404 45th St Ct E  
Edgewood, WA 98372  
SSN / ITIN: xxx-xx-3569

***Plaintiff***

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**Konilynn Frazer**  
10404 45th St Ct E  
Edgewood, WA 98372  
SSN / ITIN: xxx-xx-9630

V.

***Defendant***

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**Deutsche Bank National Trust Company, as Trustee for Morgan Stanley ABS Capital I Inc Trust 2006-NC4 its S**

***Defendant***

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**Northwest Trustee Services Inc**

Filing Date	#		Docket Text
11/26/2010		<u>1</u>	Adversary case 10-04390. Complaint by W Mark Frazer, Konilynn Frazer against Deutsche Bank National Trust Company, Northwest Trustee Services Inc. No fee due. Nature of Suit: (11 (Recovery of money/property - 542 turnover of property), (12 (Recovery of money/property - 547 preference), (13 (Recovery of money/property - 548 fraudulent transfer), (14 (Recovery of money/property - other), (21 (Validity, priority or extent of lien or other interest in property) (MT) Modified on 11/29/2010 (USBC Staff - Kerr, Mike). Exhibits Added on 11/29/2010 (USBC Staff - Dodd-Barton, Inmaculada) (Entered: 11/26/2010 at 14:44:37)
11/26/2010			Receipt of Adversary Filing Fee - \$0.00 by MT. Receipt Number 00428424. No Fee Required (admin) (Entered: 11/26/2010 at 22:05:15)
11/29/2010		<u>2</u>	Summons issued to Pro Se Plaintiffs for Service on Defendant Deutsche Bank National Trust Company Answer Due 12/29/2010; Northwest Trustee Services Inc Answer Due 12/29/2010 . (CDB) Modified on 11/29/2010 (USBC Staff - Bray, Cheryl). (Entered: 11/29/2010 at 08:57:44)
11/29/2010		<u>3</u>	Sent to BNC for Mailing (Related document(s) <u>2</u> Summons Issued). (CDB) (Entered: 11/29/2010 at 14:16:25)
12/01/2010		<u>4</u>	BNC Certificate of Notice (Related document(s) <u>3</u> Miscellaneous Mailing of PDF Document by the BNC). Service Date 12/01/2010. (Admin.) (Entered: 12/01/2010 at 21:48:59)
12/14/2010		<u>5</u>	Proof of Service Filed by Konilynn Frazer, W Mark Frazer (Related document <u>2</u> Summons) (IDB) (Entered: 12/14/2010 at 14:35:51)
12/15/2010		<u>6</u>	Notice of Appearance . Filed by Heidi C. Anderson on behalf of Deutsche Bank National Trust Company. (Anderson, Heidi) (Entered: 12/15/2010 at 12:17:31)
12/29/2010		<u>7</u>	Notice of Appearance By Defendant Northwest Trustee Services.Filed by Aaron C Masser on behalf of Northwest Trustee Services Inc. (Attachments: <u>1</u> Proof of Service)(Masser, Aaron) Modified on 12/30/2010 (USBC Staff - Searce, Deborah). (Entered: 12/29/2010 at 16:08:57)
12/29/2010		<u>8</u>	Answer to Complaint . Filed by Aaron C Masser on behalf of Northwest Trustee Services Inc. (Attachments: <u>1</u> Proof of Service)(Masser, Aaron) (Entered: 12/29/2010 at 16:13:43)
01/14/2011		<u>9</u>	Answer to Complaint <i>and Affirmative Defenses</i> . Filed by Heidi C. Anderson on behalf of Deutsche Bank National Trust Company. (Anderson, Heidi) (Entered: 01/14/2011 at 14:11:26)
01/14/2011		<u>10</u>	Declaration of Service (Related document(s) <u>9</u> Answer to Complaint)... Filed by Heidi C. Anderson on behalf of Deutsche Bank National Trust Company. (Anderson, Heidi) (Entered: 01/14/2011 at 14:11:26)

			01/14/2011 at 15:07:53)
02/11/2011		<u>11</u>	Notice of Trial and ORDER Setting Deadlines . Trial is scheduled (1st set) for 6/13/2011 at 09:00 AM at Judge Snyder's Courtroom H, Union Station.. Dispositive Motions Held by 5/5/2011. Trial Briefs due by 6/3/2011. Motions in limine due 6/3/2011. Sent to BNC for mailing. (TAR) (Entered: 02/11/2011 at 09:56:46)
02/13/2011		<u>12</u>	BNC Certificate of Notice (Related document(s) <u>11</u> Notice of Trial and Order Setting Deadlines). Service Date 02/13/2011. (Admin.) (Entered: 02/13/2011 at 21:24:05)
04/05/2011		<u>13</u>	Ex Parte Motion <i>for Order Granting Extension of Trial Continuance Deadline</i> Filed by Heidi C Anderson on behalf of Deutsche Bank National Trust Company (Attachments: <u>1</u> Exhibit A – Proposed Order) (Anderson, Heidi) (Entered: 04/05/2011 at 16:19:48)
04/05/2011		<u>14</u>	Declaration of Abraham Lorber in Support of Motion for Order Granting Extension of Trial Continuance Deadline (Related document(s) <u>13</u> Motion)... Filed by Heidi C Anderson on behalf of Deutsche Bank National Trust Company. (Anderson, Heidi) (Entered: 04/05/2011 at 16:26:25)
04/05/2011		<u>15</u>	Received UNSIGNED Order. Forwarded to Chambers for Judge's Signature <i>Ex Parte Order Granting Extension of Trial Continuance Deadline</i> . Filed by Heidi C Anderson on behalf of Deutsche Bank National Trust Company. (Related document(s) <u>13</u> Motion). (Anderson, Heidi) (Entered: 04/05/2011 at 16:31:38)
04/06/2011		<u>16</u>	Ex Parte ORDER Granting Extension of Trial Continuance Deadline Signed on 4/6/2011. (RE: related document(s) <u>15</u> Received UNSIGNED Order. <u>13</u> Motion). (BKP) (Entered: 04/06/2011 at 08:55:20)
04/07/2011		<u>17</u>	Motion for Summary Judgment of Defendant Deutsche Bank National Trust Company with Notice of Hearing. Filed by Heidi C Anderson on behalf of Deutsche Bank National Trust Company The Hearing date is set for 5/5/2011 at 01:00 PM at Judge Snyder's Courtroom H, Union Station. Response due by 4/28/2011. (Attachments: <u>1</u> Proposed Order) (Anderson, Heidi) (Entered: 04/07/2011 at 13:22:13)
04/07/2011		<u>18</u>	Notice of Hearing on Defendant Deutsche Bank National Trust Company's Motion for Summary Judgment (Related document(s) <u>17</u> Motion for Summary Judgment of Defendant Deutsche Bank National Trust Company). Filed by Heidi C Anderson on behalf of Deutsche Bank National Trust Company. (Anderson, Heidi) (Entered: 04/07/2011 at 13:23:33)
04/07/2011		<u>19</u>	Declaration of Ronaldo Reyes (Related document(s) <u>17</u> Motion for Summary Judgment, <u>18</u> Hearing Notice)... Filed by Heidi C Anderson on behalf of Deutsche Bank National Trust Company. (Attachments: <u>1</u> Exhibit <u>2</u> Exhibit <u>3</u> Exhibit <u>4</u> Exhibit <u>5</u> Exhibit <u>6</u> Exhibit <u>7</u> Exhibit) (Anderson, Heidi) (Entered: 04/07/2011 at 13:56:35)
04/07/2011		<u>20</u>	Declaration of Abraham K. Lorber (Related document(s) <u>17</u> Motion for Summary Judgment, <u>18</u> Hearing Notice, <u>19</u> Declaration)... Filed

			by Heidi C Anderson on behalf of Deutsche Bank National Trust Company. (Attachments: <u>1</u> Exhibit <u>2</u> Exhibit <u>3</u> Exhibit <u>4</u> Exhibit) (Anderson, Heidi) (Entered: 04/07/2011 at 13:58:54)
04/07/2011		<u>21</u>	Proof of Service . Filed by Heidi C Anderson on behalf of Deutsche Bank National Trust Company. (Related document(s) <u>17</u> Motion for Summary Judgment, <u>18</u> Hearing Notice, <u>19</u> Declaration, <u>20</u> Declaration). (Anderson, Heidi) (Entered: 04/07/2011 at 14:01:49)
04/27/2011		<u>22</u>	Stipulation by and between <i>Deutsche Bank, W. Mark Frazer, Konilyn Frazer and Northwest Trustee for Order Continuing Trial Date</i> . Filed by Heidi C Anderson on behalf of Deutsche Bank National Trust Company. (Attachments: <u>1</u> Exhibit Proposed Order) (Anderson, Heidi) (Entered: 04/27/2011 at 12:27:07)
04/27/2011		<u>23</u>	Received UNSIGNED Order. Forwarded to Chambers for Judge's Signature . Filed by Heidi C Anderson on behalf of Deutsche Bank National Trust Company. (Related document(s) <u>22</u> Stipulation). (Anderson, Heidi) (Entered: 04/27/2011 at 12:33:10)
04/28/2011		<u>24</u>	Objection to Motion for Summary Judgment of Defendant Deutsche Bank National Trust Company and Motions for Judgment on the Pleadings (Related document(s) <u>17</u> Motion for Summary Judgment). .. Filed by Konilyn Frazer , W Mark Frazer . (BKP) Additional attachment(s) <u>1</u> Exhibit 1–USBC Southern District of CA 10–90308–MM Doble vs Deutsche Bank NA et al, <u>2</u> Exhibit 2–MA Supreme Court Opinion 10–005–11 US Bank v Ibanez, <u>3</u> Exhibit 3–Circuit Court of Jefferson County AL CV–2009–901113 US Bank NA v Erica Congress et al Affidavit and Testimony of Professor Ira Markbloom, <u>4</u> Exhibit 4–Circuit Court of Jefferson County AL CV–2009–901113 US Bank NA vs Erica Congress et al Affidavit and Testimony of Thomas J Adams, <u>5</u> Exhibit 5–USBC D MA Central Division 07–04098 Schwartz v HomeQ Servicing Memorandum and Order on Plaintiffs Motion for New Trial, <u>6</u> Exhibit 6–Circuit Court of Russell County AL 57–CV–2008–000362.00 Horace v LaSalle Bank Memorandum in Support of Summary Judgment, <u>7</u> US Security and Exchange Commission Form 15 Certification and Notice of Termination of Registration, <u>8</u> The Investment Company Act of 1940, <u>9</u> Exhibit 9–US Dept of Treasury Comptroller of the Currency AA–EC–11–19 Consent Order re: Wells Fargo Bank, <u>10</u> Exhibit 10– Letter from Comptroller of the Currency Administrator of National Banks to Anthony Sylvester and Madeline Houston re: ESX–L–4676–92 Wells Fargo Bank v Harris and F–11450–00 Bank One v Feinstein, <u>11</u> Proof of Service added on 4/28/2011 (USBC Staff – Parham, Barbara). Modified on 4/28/2011 (USBC Staff – Parham, Barbara). (Entered: 04/28/2011 at 11:31:03)
04/28/2011		<u>25</u>	Notification of Docket Correction re: (Related document(s) <u>24</u> Objection). (Attachments: Exhibit 1–USBC Southern District of CA 10–90308–MM Doble vs Deutsche Bank NA et al, # 2 Exhibit 2–MA Supreme Court Opinion 10–005–11 US Bank v Ibanez, # 3 Exhibit 3–Circuit Court of Jefferson County AL CV–2009–901113 US Bank NA v Erica Congress et al Affidavit and Testimony of Professor Ira Markbloom, # 4 Exhibit 4–Circuit Court of Jefferson County AL CV–2009–901113 US Bank NA vs Erica Congress et al Affidavit and Testimony of Thomas J Adams, # 5 Exhibit 5–USBC D MA Central Division 07–04098 Schwartz v HomeQ Servicing Memorandum and Order on Plaintiffs Motion for New Trial, # 6 Exhibit 6–Circuit Court of Russell County AL

			57-CV-2008-000362.00 Horace v LaSalle Bank Memorandum in Support of Summary Judgment, # 7 US Security and Exchange Commission Form 15 Certification and Notice of Termination of Registration, # 8 The Investment Company Act of 1940, # 9 Exhibit 9-US Dept of Treasury Comptroller of the Currency AA-EC-11-19 Consent Order re: Wells Fargo Bank, # 10 Exhibit 10- Letter from Comptroller of the Currency Administrator of National Banks to Anthony Sylvester and Madeline Houston re: ESX-L-4676-92 Wells Fargo Bank v Harris and F-11450-00 Bank One v Feinstein, # 11 Proof of Service (BKP) (Entered: 04/28/2011 at 12:06:52)
04/28/2011		<u>26</u>	Lodged Ex Parte ORDER Continuing Trial Date <i>See PDF for further information</i> (Related document(s) <u>22</u> Stipulation, <u>23</u> Received UNSIGNED Order). (BKP) (Entered: 04/28/2011 at 12:31:54)
04/28/2011			Notice to Court of Intent to Argue. Date of Hearing: 5/5/2011. Filed by Heidi C Anderson on behalf of Deutsche Bank National Trust Company. (Related document(s) <u>17</u> Motion for Summary Judgment, <u>18</u> Hearing Notice). (Anderson, Heidi) (Entered: 04/28/2011 at 13:19:03)
04/29/2011		<u>27</u>	DOCKETED IN ERROR, wrong PDF attached. Filer notified. <del>Motion to Shorten Time on the Trust's Motion for Order Continuing Trial Date with Notice of Hearing...</del> Filed by Heidi C Anderson on behalf of Deutsche Bank National Trust Company The Hearing date is set for 5/5/2011 at 01:00 PM at Judge Snyder's Courtroom H, Union Station. Response due by 5/5/2011. (Anderson, Heidi) Modified on 4/29/2011 (USBC Staff - Taylor, Leslie). (Entered: 04/29/2011 at 13:27:46)
04/29/2011		<u>28</u>	Motion to Shorten Time <i>on the Trust's Motion for Order Continuing Trial Date</i> . Filed by Heidi C Anderson on behalf of Deutsche Bank National Trust Company The Hearing date is set for <i>Special Set</i> 5/5/2011 at 01:00 PM at Judge Snyder's Courtroom H, Union Station. Response due by 5/5/2011. (Anderson, Heidi) Modified on 4/29/2011 (USBC Staff - Parham, Barbara). Modified on 4/29/2011 (USBC Staff - Parham, Barbara). (Entered: 04/29/2011 at 13:41:11)
04/29/2011		<u>29</u>	Notice of Hearing <i>on Motion to Shorten Time on Motion for Order Continuing Trial Date</i> (Related document(s) <u>28</u> Motion to Shorten Time). Filed by Heidi C Anderson on behalf of Deutsche Bank National Trust Company. (Anderson, Heidi) (Entered: 04/29/2011 at 13:43:08)
04/29/2011		<u>30</u>	Declaration of Heidi Anderson in Support of Motion for Order Shortening Time (Related document(s) <u>28</u> Motion to Shorten Time)... Filed by Heidi C Anderson on behalf of Deutsche Bank National Trust Company. (Anderson, Heidi) (Entered: 04/29/2011 at 13:49:50)
04/29/2011		<u>31</u>	Motion for Order Continuing Trial Date with Notice of Hearing and Proposed Order... Filed by Heidi C Anderson on behalf of Deutsche Bank National Trust Company The Hearing date is set for <i>Special Set</i> 5/5/2011 at 01:00 PM at Judge Snyder's Courtroom H, Union Station. Response due by 5/5/2011. (Anderson, Heidi) Modified on 4/29/2011 (USBC Staff - Parham, Barbara). (Entered: 04/29/2011 at 13:53:56)



04/29/2011			Notice to Court of Intent to Argue. Date of Hearing: 5/5/2011. Filed by Heidi C Anderson on behalf of Deutsche Bank National Trust Company. (Related document(s) <u>28</u> Motion to Shorten Time, <u>29</u> Hearing Notice). (Anderson, Heidi) (Entered: 04/29/2011 at 14:08:09)
04/29/2011			Notice to Court of Intent to Argue. Date of Hearing: 5/5/2011. Filed by Heidi C Anderson on behalf of Deutsche Bank National Trust Company. (Related document(s) <u>31</u> Motion). (Anderson, Heidi) (Entered: 04/29/2011 at 14:09:33)
04/29/2011		<u>32</u>	Proof of Service . Filed by Heidi C Anderson on behalf of Deutsche Bank National Trust Company. (Related document(s) <u>28</u> Motion to Shorten Time, <u>31</u> Motion). (Anderson, Heidi) (Entered: 04/29/2011 at 14:51:26)
05/02/2011		<u>33</u>	Defendant's Reply <i>in support of Motion for Summary Judgment</i> (Related document(s) <u>17</u> Motion for Summary Judgment)... Filed by Heidi C Anderson on behalf of Deutsche Bank National Trust Company. (Anderson, Heidi) (Entered: 05/02/2011 at 21:46:25)
05/04/2011		<u>34</u>	Proof of Service . Filed by Heidi C Anderson on behalf of Deutsche Bank National Trust Company. (Related document(s) <u>33</u> Reply). (Anderson, Heidi) (Entered: 05/04/2011 at 15:58:48)
05/05/2011		<u>35</u>	Debtor Plaintiff's Sur-Reply in Opposition to Defendant Deutsche Bank National Trust Company's Motion for Summary Judgment (Related document(s) <u>17</u> Motion for Summary Judgment). .. Filed by Konilynn Frazer , W Mark Frazer . (Attachments: <u>1</u> Proof of Service) (BKP) (Entered: 05/05/2011 at 12:23:56)
05/05/2011			Minutes. Hearing Held. Appearances: Debtors W. Mark & Konilynn Frazer appearing Pro Se; Ms. Anderson and Mr. Lorber appearing for Deutsche Bank National Trust. (related document(s): <u>28</u> Defendant's Motion to Shorten Time on the Trust's Motion for Order Continuing Trial Date Filed by Heidi Anderson on Behalf of Deutsche Bank Nat'l Trust – Motion granted; order forthcoming. (PAA) (Entered: 05/09/2011 at 14:53:39)
05/05/2011			Minutes. Hearing Held. Appearances: Debtors W. Mark & Konilynn Frazer appearing Pro Se; Ms. Anderson and Mr. Lorber appearing for Deutsche Bank National Trust. (related document(s): <u>31</u> Defendant's Motion for Order Continuing Trial Date Filed by Heidi Anderson on Behalf of Deutsche Bank Nat'l Trust – Motion granted. Trial will be reset at time decision rendered on Defendant's Summary Judgment. (PAA) (Entered: 05/09/2011 at 14:57:19)
05/05/2011			Minutes. Hearing Held. Appearances: Debtors W. Mark & Konilynn Frazer appearing Pro Se; Ms. Anderson and Mr. Lorber appearing for Deutsche Bank National Trust. (related document(s): <u>17</u> Motion for Summary Judgment of Defendant Deutsche Bank National Trust Company Filed by Heidi C Anderson on behalf of Deutsche Bank National Trust Company Continued to render decision on 05/27/2011 at 09:00 AM at Telephonically. (PAA) (Entered: 05/09/2011 at 14:59:55)
05/27/2011			Minutes. Decision Rendered by telephone. Telephonic Appearances: Heidi Anderson, attorney for Deutsche Bank, Defendant; W. Mark Frazer, Debtor, Plaintiff. (related document(s):

			<u>17</u> Motion for Summary Judgment filed by Heidi C Anderson) *Court: Decision rendered. Grant Defendant's Motion for Summary Judgment. Findings of Fact Conclusions of Law read into record; Order entered incorporating this oral decision by reference pursuant to Fed. R. Bankr. P. 7052 (SDU) (Entered: 05/27/2011 at 10:11:56)
05/27/2011		<u>36</u>	ORDER Granting Defendant's Motion for Summary JUDGMENT (Related Doc # <u>17</u> ) Signed on 5/27/2011. Sent to BNC for Mailing to Pro Se Plaintiff . (BKP) (Entered: 05/27/2011 at 11:09:33)
05/31/2011			Audio CD Request. Hearing Date and Time: 5/27/11 telephonic hearing, Judge Snyder presiding. Other Info: Please mail CD to Robyn (Buckley address).. Requested by: Heidi Anderson, representing Deutsche Bank... (Court Reporter – Wheeler, Shari) (Entered: 05/31/2011 at 11:41:46)
06/02/2011		<u>37</u>	BNC Certificate of Notice (Related document(s) <u>36</u> Order Re Motion for Summary Judgment). Notice Date 06/02/2011. (Admin.) (Entered: 06/02/2011 at 22:11:55)
06/10/2011		<u>38</u>	Notice of Appeal to District Court. Re: USDC No: C11–5454; BK Internal Appeal No: 11–T004. Fee Due \$ 255 (Related document(s) <u>36</u> Order Re Motion for Summary Judgment). Filed by Konilynn Frazer , W Mark Frazer . Record Transmission due by 7/1/2011, (MRC) <i>Modified on 6/13/2011</i> . (USBC Staff – Manley, Sherri) (Entered: 06/10/2011 at 16:22:13)
06/10/2011		<u>39</u>	Election to Appeal to District Court . USDC No: C11–5454; BK Internal Appeal Number 11–T004 (Related document(s) <u>38</u> Notice of Appeal). Filed by Konilynn Frazer , W Mark Frazer . (MRC) <i>Modified on 6/13/2011</i> . (USBC Staff – Manley, Sherri) (Entered: 06/10/2011 at 16:23:46)
06/10/2011		<u>40</u>	Proof of Service . Filed by Konilynn Frazer , W Mark Frazer . (Related document(s) <u>38</u> Notice of Appeal, <u>39</u> Election to Appeal). (MRC) (Entered: 06/10/2011 at 16:25:13)
06/12/2011			Audio CD Request. Hearing Date and Time: 05/05/2011. Other Info: proceedings.. Requested by: W. Mark Frazer, pro se... Request for Production of Transcript on Appeal due by 07/12/2011, (Court Reporter – Fiedler, Robyn) (Entered: 06/12/2011 at 09:01:30)
06/13/2011		<u>41</u>	Notice of Transmittal of Appeal to District Court. USDC Appeal No. C11–5454; BK Internal Appeal Number 11–T004. (Related document(s) <u>38</u> Notice of Appeal). (Attachments: # <u>1</u> Record of Appeal# <u>2</u> Counsel Letter) <i>Sent to BNC for Mailing to Non–electronic Recipients</i> . (SLM) (Entered: 06/13/2011 at 15:49:18)
06/13/2011		<u>42</u>	Sent to BNC for Mailing to W Mark Frazer and Konilynn Frazer – Notice of Transmittal of Appeal to the US District Court, Notice of Appeal, Order on Appeal, Objection to BAP/Statement of Election to District Court, Public Docket Report and Counsel Letter. USDC Appeal No. C11–5454; Internal Appeal No. 11–T004. (Related document(s) <u>38</u> Notice of Appeal) (SLM) (Entered: 06/13/2011 at 15:55:02)
06/13/2011			Receipt of Appeal Filing Fee – \$255.00 by MT. Receipt Number 432219. (BEF) (Entered: 06/14/2011 at 08:25:52)



06/14/2011		<u>43</u>	Amended Notice of Trial and ORDER Setting Deadlines (Related document(s) <u>11</u> Notice of Trial and Order Setting Deadlines). Trial is scheduled for 11/22/2011 at 09:00 AM at Judge Snyder's Courtroom H, Union Station.. Dispositive Motions Held by 10/20/2011. Brief due by 11/10/2011. Motions/Objections due 11/10/2011. Sent to BNC for Mailing to Konilyn and W Mark Frazer (BKP) (Entered: 06/14/2011 at 13:21:12)
06/15/2011		<u>44</u>	BNC Certificate of Notice (Related document(s) <u>42</u> Miscellaneous Mailing of PDF Document by the BNC). Notice Date 06/15/2011. (Admin.) (Entered: 06/15/2011 at 21:35:10)
06/16/2011			Audio CD Request. Hearing Date and Time: 5/27/11 at 9:00 am (telephonic). \$26 fee paid; receipt # 432356. Requested by: W Mark Frazer, 10404 45th St Ct E, Edgewood WA 98372 (253-820-8245) wmfraser@comcast .net. Filed by W Mark Frazer . (MRK) (Entered: 06/16/2011 at 12:01:54)
06/16/2011			Audio CD Request. Hearing Date and Time: 5/8/11 at 1:00 pm.. \$26 fee paid; receipt #432356. Requested by: W Mark Frazer, 10404 45th St Ct E, Edgewood WA 98372 (253-820-8245) wmfraser@comcast.net. Filed by W Mark Frazer . (MRK) (Entered: 06/16/2011 at 12:03:32)
06/16/2011		<u>45</u>	BNC Certificate of Notice . Notice Date 06/16/2011. (Admin.) (Entered: 06/16/2011 at 21:31:55)
06/17/2011			Receipt of Digital Recording Fee. Fee Amount \$ 52. Receipt Number 432356 . (NSM) (Entered: 06/17/2011 at 08:25:41)
06/17/2011		<u>46</u>	Acknowledgment of Appeal by USDC. BK Internal Appeal No: 11-T004. USDC No: C11-5454RBL. (Related document(s) <u>38</u> Notice of Appeal). (LJT) Modified on 6/27/2011 (USBC Staff - Curry, Monteze). (Entered: 06/21/2011 at 13:39:48)
06/21/2011		<u>47</u>	Motion and Notice of Motion for Stay of Order Pending Appeal. Internal Appeal No: 11-T004 . Filed by Konilyn Frazer, W Mark Frazer. The Hearing date is set for 7/21/2011 at 09:00 AM at Judge Snyder's Courtroom H, Union Station. (Attachments: # <u>1</u> Proof of Service # <u>2</u> Exhibit - Opinion of BAP, pages 1-25# <u>3</u> Exhibit - Opinion of BAP, pages 26-46) (LJT) Modified on 6/21/2011 (USBC Staff - Taylor, Leslie). Hearing dates on document do not match, filer notified. Modified on 6/28/2011 (USBC Staff - Taylor, Leslie). Create relationship to document #60 6/29/2011 (USBC Staff - Parham, Barbara). (Entered: 06/21/2011 at 13:53:43)
06/21/2011		<u>48</u>	Supplemental Transmittal of Motion and Notice for Stay of Order Pending Appeal. BK Internal Appeal No:11-T004; USDC No: C11-5454 (Related document(s) <u>38</u> Notice of Appeal, <u>47</u> Motion for Stay Pending Appeal). Sent to BNC for Mailing to W. Mark & Konilyn Frazer. (LJT) (Entered: 06/21/2011 at 14:22:58)
06/21/2011		<u>49</u>	Sent to BNC for Mailing (Related document(s) <u>48</u> Supplemental Transmittal of Record on Appeal). (LJT) (Entered: 06/21/2011 at 14:24:10)
06/22/2011		<u>50</u>	Transcript regarding Hearing Held 01/20/2011 RE: proceedings. Remote electronic access to the transcript is restricted until 09/20/2011. The transcript may be viewed at the Bankruptcy Court

			Clerk's Office. Contact the Court Reporter/Transcriber Robyn Fiedler, Telephone number 425-433-8064.. Notice of Intent to Request Redaction Deadline Due By 6/29/2011. Redaction Request Due By 07/13/2011. Redacted Transcript Submission Due By 07/25/2011. Transcript access will be restricted through 09/20/2011. (Court Reporter – Fiedler, Robyn) Notice Sent to BNC on 6/23/2011 (USBC Staff – Parham, Barbara). (Entered: 06/22/2011 at 16:35:33)
06/22/2011		<u>51</u>	Transcript regarding Hearing Held 05/05/2011 RE: proceedings. Remote electronic access to the transcript is restricted until 09/20/2011. The transcript may be viewed at the Bankruptcy Court Clerk's Office. Contact the Court Reporter/Transcriber Robyn Fiedler, Telephone number 425-433-8064.. Notice of Intent to Request Redaction Deadline Due By 6/29/2011. Redaction Request Due By 07/13/2011. Redacted Transcript Submission Due By 07/25/2011. Transcript access will be restricted through 09/20/2011. (Court Reporter – Fiedler, Robyn) Notice Sent to BNC on 6/23/2011 (USBC Staff – Parham, Barbara). (Entered: 06/22/2011 at 16:36:33)
06/22/2011		<u>52</u>	Transcript regarding Hearing Held 05/27/2011 RE: oral ruling. Remote electronic access to the transcript is restricted until 09/20/2011. The transcript may be viewed at the Bankruptcy Court Clerk's Office. Contact the Court Reporter/Transcriber Robyn Fiedler, Telephone number 425-433-8064.. Notice of Intent to Request Redaction Deadline Due By 6/29/2011. Redaction Request Due By 07/13/2011. Redacted Transcript Submission Due By 07/25/2011. Transcript access will be restricted through 09/20/2011. (Court Reporter – Fiedler, Robyn) Notice Sent to BNC on 6/23/2011 (USBC Staff – Parham, Barbara). (Entered: 06/22/2011 at 16:37:30)
06/23/2011		<u>53</u>	BNC Certificate of Notice (Related document(s) <u>49</u> Miscellaneous Mailing of PDF Document by the BNC). Notice Date 06/23/2011. (Admin.) (Entered: 06/23/2011 at 21:30:38)
06/24/2011		<u>54</u>	Statement of Issues on Appeal Re: BK Internal Appeal No: 11-T004. BAP Appeal No: or USDC Appeal No. C11-5454. . Filed by Konilynn Frazer , W Mark Frazer . (BKP) (Entered: 06/24/2011 at 11:19:52)
06/24/2011		<u>55</u>	Designation of Contents For Inclusion in Record On Appeal Re: BK Internal Appeal No: 11-T004 BAP Appeal No: or USDC Appeal No. C11-5454 . Filed by Konilynn Frazer , W Mark Frazer . (BKP) (Entered: 06/24/2011 at 11:21:22)
06/24/2011		<u>56</u>	Proof of Service . Filed by Konilynn Frazer , W Mark Frazer . (Related document(s) <u>54</u> Statement of Issues on Appeal, <u>55</u> Designation of Record on Appeal). (BKP) (Entered: 06/24/2011 at 11:22:06)
06/25/2011		<u>57</u>	BNC Certificate of Notice (Related document(s) <u>50</u> Transcript). Notice Date 06/25/2011. (Admin.) (Entered: 06/25/2011 at 21:27:31)
06/25/2011		<u>58</u>	BNC Certificate of Notice (Related document(s) <u>51</u> Transcript). Notice Date 06/25/2011. (Admin.) (Entered: 06/25/2011 at 21:27:31)

06/25/2011		<u>59</u>	BNC Certificate of Notice (Related document(s) <u>52</u> Transcript). Notice Date 06/25/2011. (Admin.) (Entered: 06/25/2011 at 21:27:31)
06/29/2011		<u>60</u>	Amended Motion and Notice of Motion for Stay of Order Pending Appeal # 11-T004 USDC11-5454 . Filed by Konilynn Frazer , W Mark Frazer . The Hearing date is set for 7/21/2011 at 09:00 AM at Judge Snyder's Courtroom H, Union Station. (Attachments: # <u>1</u> Proof of Service)(BKP) (Entered: 06/29/2011 at 11:12:38)
07/06/2011		<u>61</u>	Supplemental Transmittal of Record on Appeal BK Internal Appeal Number 11-T004; USDC No: C11-5454 (Related document(s) <u>38</u> Notice of Appeal, <u>47</u> Motion for Stay Pending Appeal, <u>60</u> Amended Motion for Stay Pending Appeal). (LJT) (Entered: 07/06/2011 at 14:41:54)
07/06/2011		<u>62</u>	Sent to BNC for Mailing – Supplemental Transmittal RE: Amended Motion for Stay – to W. Mark and Konilynn Frazer (Related document(s) <u>38</u> Notice of Appeal, <u>61</u> Supplemental Transmittal of Record on Appeal). (LJT) (Entered: 07/06/2011 at 14:44:32)
07/08/2011		<u>63</u>	BNC Certificate of Notice (Related document(s) <u>62</u> Miscellaneous Mailing of PDF Document by the BNC). Notice Date 07/08/2011. (Admin.) (Entered: 07/08/2011 at 21:29:49)
07/13/2011		<u>64</u>	Request by USDC for Status. BK Internal Appeal No: 11-T004. USDC No: C11-5454RBL. (Related document(s) <u>38</u> Notice of Appeal). Forwarded To USDC on 7/13/11. (LJT) (Entered: 07/13/2011 at 09:45:09)
07/18/2011		<u>65</u>	Response to (Related document(s) <u>47</u> Motion for Stay Pending Appeal, <u>60</u> Motion for Stay Pending Appeal)... Filed by Heidi C Anderson on behalf of Deutsche Bank National Trust Company. (Anderson, Heidi) (Entered: 07/18/2011 at 17:38:50)
07/18/2011		<u>66</u>	Proof of Service <i>re Response to Amended Motion for Stay Pending Appeal</i> . Filed by Heidi C Anderson on behalf of Deutsche Bank National Trust Company. (Related document(s) <u>47</u> Motion for Stay Pending Appeal, <u>60</u> Motion for Stay Pending Appeal). (Anderson, Heidi) (Entered: 07/18/2011 at 17:46:57)
07/18/2011		<u>67</u>	Declaration of No Objection (Related document(s) <u>47</u> Motion for Stay Pending Appeal). .. Filed by Konilynn Frazer , W Mark Frazer . (BKP) (Entered: 07/19/2011 at 06:05:36)
07/19/2011		<u>68</u>	Received UNSIGNED Order to Debtors Motion for Stay of Order Pending Appeal. Forwarded to Chambers for Judge's Signature. Filed by Konilynn Frazer , W Mark Frazer . (Related document(s) <u>60</u> Motion for Stay Pending Appeal). (BKP) Modified on 7/19/2011 (USBC Staff – Parham, Barbara). (Entered: 07/19/2011 at 06:08:54)
07/19/2011		<u>69</u>	Lodged ORDER to Debtors Motion for Stay of Order Pending Appeal. See PDF for More Information. (Related document(s) <u>60</u> Motion for Stay Pending Appeal, <u>68</u> Received UNSIGNED Order). (BKP) (Entered: 07/19/2011 at 07:24:58)
07/21/2011			

			Minutes. Hearing Held. Appearances: Abraham Lorber, attorney for Deutsche Bank; Mr. Frazer, Debtor.(related document(s): <u>60</u> Motion for Stay Pending Appeal Filed by Konilynn Frazer) Motion Denied.(SDU) (Entered: 07/22/2011 at 08:30:21)
07/26/2011		<u>70</u>	Certificate of Readiness Transmitted to District Court. USDC Case No:11-5454. Internal Appeal No. 11-T004 (Related document(s) <u>38</u> Notice of Appeal). Sent to BNC for Mailing to W. Mark and Konilynn Frazer. Check Status of Appeal by 1/23/2012. (Attachments: # <u>1</u> Record On Appeal) (LJT) (Entered: 07/26/2011 at 10:24:49)
07/26/2011		<u>71</u>	Sent to BNC for Mailing to W Mark Frazer and Konilynn Frazer. Certificate of Record on Appeal to USDC. Internal Appeal Number 11-T004 (Related document(s) <u>38</u> Notice of Appeal, <u>70</u> Certificate of Readiness). (LJT) (Entered: 07/26/2011 at 10:32:33)
07/28/2011		<u>72</u>	BNC Certificate of Notice (Related document(s) <u>71</u> Miscellaneous Mailing of PDF Document by the BNC). Notice Date 07/28/2011. (Admin.) (Entered: 07/28/2011 at 21:36:07)
08/19/2011		<u>73</u>	Request for Pre-Trial Conference filed by Pro Se Plaintiffs W. Mark Frazer and Konilynn Frazer. (Related document(s) <u>43</u> Notice of Trial and Order Setting Deadlines). (DAS) (Entered: 08/19/2011 at 13:19:22)
09/01/2011		<u>74</u>	Notice Re: PreTrial Conference . Pretrial scheduled for 9/22/2011 at 08:30 AM in Chambers. Sent to BNC for Mailing to W Mark Frazer and Konilynn Frazer (BKP) Modified on 9/1/2011 (USBC Staff – Parham, Barbara). Modified on 9/1/2011 (USBC Staff – Parham, Barbara). (Entered: 09/01/2011 at 08:14:24)
09/03/2011		<u>75</u>	BNC Certificate of Notice (Related document(s) <u>74</u> Notice Re PreTrial Conference). Notice Date 09/03/2011. (Admin.) (Entered: 09/03/2011 at 21:37:37)
09/22/2011			Minutes. Pretrial Conference Held. Appearances: W. Mark Frazer, Debtor, Plaintiff; Aaron Masser, attorney for Defendant, Deutsche Bank. (related document(s): <u>74</u> Notice Re PreTrial Conference) New deadline date of 10/13/11 set for Admissions, Interrogatories and Production of Documents. Order forthcoming by Mr. Masser. (SDU) (Entered: 09/26/2011 at 07:34:25)
09/23/2011		<u>76</u>	Motion for Summary Judgment <i>with Certificate of Mailing</i> Filed by Aaron C Masser on behalf of Northwest Trustee Services Inc (Attachments: # <u>1</u> Proof of Service) (Masser, Aaron) Filer notified on 9/29/2011 must be set for hearing. (USBC Staff – Parham, Barbara). (Entered: 09/23/2011 at 17:06:16)
09/29/2011		<u>77</u>	DOCKETED IN ERROR, attorney filer wrong. <del>Declaration in support of Motion For Summary Judgment (Related document(s)<u>76</u> Motion for Summary Judgment)...</del> Filed by Michelle R-Riel on behalf of Northwest Trustee Services Inc. (Attachments: # <u>1</u> EXHBT A# <u>2</u> EXHBT B# <u>3</u> EXHBT C# <u>4</u> EXHBT D# <u>5</u> EXHBT E# <u>6</u> EXHBT F# <u>7</u> EXHBT G) (Riel, Michelle) Modified on 9/30/2011 (USBC Staff – Parham, Barbara). Modified on 10/6/2011 (USBC Staff – Taylor, Leslie). (Entered: 09/29/2011 at 10:37:26)
09/29/2011		<u>78</u>	

			Declaration <i>In support of Motion for Summary Judgment</i> (Related document(s) <u>76</u> Motion for Summary Judgment)... Filed by Aaron C Masser on behalf of Northwest Trustee Services Inc. (Attachments: # <u>1</u> EX A# <u>2</u> EX B# <u>3</u> EX C# <u>4</u> EX D# <u>5</u> EX E# <u>6</u> EX F# <u>7</u> EX G) (Masser, Aaron) (Entered: 09/29/2011 at 10:41:39)
09/29/2011		<u>79</u>	Statement of <i>Uncontroverted Facts In Support of NWTs' Motion For Summary Judgment</i> (Related document(s) <u>76</u> Motion for Summary Judgment, <u>78</u> Declaration)... Filed by Aaron C Masser on behalf of Northwest Trustee Services Inc. (Masser, Aaron) (Entered: 09/29/2011 at 11:09:43)
09/29/2011		<u>80</u>	Motion to Shorten Time <i>on Motion for Summary Judgment</i> with Notice of Hearing. Proof of Service. Filed by Aaron C Masser on behalf of Northwest Trustee Services Inc The Hearing date is set for 10/20/2011 at 09:00 AM at Judge Snyder's Courtroom H, Union Station. Response due by 10/13/2011. (Attachments: # <u>1</u> Notice of Hearing # <u>2</u> Proposed Order # <u>3</u> Proof of Service) (Masser, Aaron) (Entered: 09/29/2011 at 12:09:58)
10/03/2011		<u>81</u>	Notice of Hearing (Related document(s) <u>76</u> Motion for Summary Judgment with Certificate of Mailing). Filed by Aaron C Masser on behalf of Northwest Trustee Services Inc. (Attachments: # <u>1</u> Proof of Service)(Masser, Aaron) (Entered: 10/03/2011 at 14:17:45)
10/03/2011			Set Hearing (Related document(s) <u>76</u> Motion for Summary Judgment). The Hearing date is set for 10/20/2011 at 09:00 AM at Judge Snyder's Courtroom H, Union Station. (CDB) (Entered: 10/03/2011 at 14:57:56)
10/13/2011		<u>82</u>	DOCKETED IN ERROR TO INCORRECT CASE. <del>Motion to Vacate Order of Default with Notice of Hearing. Filed by Aaron C Masser on behalf of Deutsche Bank National Trust Company The Hearing date is set for 11/21/2011 at 01:00 PM at Judge Snyder's Courtroom H, Union Station. Response due by 11/14/2011. (Attachments: # <u>1</u> Notice of Hearing # <u>2</u> Proof of Service) (Masser, Aaron)</del> Modified on 10/13/2011 (USBC Staff – Parham, Barbara). (Entered: 10/13/2011 at 10:27:01)
10/14/2011			Notice to Court of Intent to Argue. Date of Hearing: 10/20/2011. Filed by Aaron C Masser on behalf of Northwest Trustee Services Inc. (Related document(s) <u>76</u> Motion for Summary Judgment, Minutes Hearing Held, <u>80</u> Motion to Shorten Time). (Masser, Aaron) (Entered: 10/14/2011 at 07:59:57)
10/18/2011		<u>83</u>	Objection to Northwest Trustee Services Inc Motion to Shorten Time on Motion for Summary Judgment. (Related document(s) <u>80</u> Motion to Shorten Time). Filed by Konilyn Frazer, W Mark Frazer. (Attachments: # <u>1</u> Proof of Service) (PSB) (Entered: 10/18/2011 at 14:56:06)
10/20/2011		<u>84</u>	Response to <i>Plaintiff's Objection To Motion To Shorten Time</i> (Related document(s) <u>83</u> Objection). Proof of Service. Filed by Aaron C Masser on behalf of Northwest Trustee Services Inc. (Attachments: # <u>1</u> Proof of Service) (Masser, Aaron) (Entered: 10/20/2011 at 08:02:25)
10/20/2011			Minutes. Hearing Held. Appearances: Aaron Masser, attorney for Northwest Trustee Services/Defendant; Mark Frazier, Plaintiff.



			(related document(s): <u>80</u> Motion to Shorten Time to Hear Motion for Summary Judgment) (related document(s): <u>76</u> Motion for Summary Judgment) Mr. Frazier's response is due 10/28/11, Mr. Masser's reply due 11/1/11 (five pages or less). Continued Hearing scheduled for 11/03/2011 at 09:00 AM at Judge Snyder's Courtroom H, Union Station. (SDU) (Entered: 10/25/2011 at 09:48:31)
10/28/2011			Notice to Court of Intent to Argue. Date of Hearing: 11/3/2011. Filed by Aaron C Masser on behalf of Northwest Trustee Services Inc. (Related document(s) <u>76</u> Motion for Summary Judgment, <u>80</u> Motion to Shorten Time, Minutes Hearing Held). (Masser, Aaron) (Entered: 10/28/2011 at 10:03:31)
10/28/2011			Set Hearing (Related document(s) <u>76</u> Motion for Summary Judgment). The Hearing date is set for 11/3/2011 at 09:00 AM at Judge Snyder's Courtroom H, Union Station. (SDU) (Entered: 10/28/2011 at 13:32:40)
10/28/2011		<u>85</u>	Objection to Northwest Trustee Services, Inc's Motion for Summary Judgment. (Related document(s) <u>76</u> Motion for Summary Judgment). Filed by Konilynn Frazer , W Mark Frazer . (TAR) (Entered: 10/28/2011 at 16:39:15)
10/28/2011		<u>86</u>	Proof of Service . Filed by Konilynn Frazer , W Mark Frazer . (Related document(s) <u>85</u> Objection to Northwest Trustee Services, Inc's Motion for Summary Judgment). (TAR) (Entered: 10/28/2011 at 16:40:38)
10/31/2011		<u>87</u>	Amended Objection to Northwest Trustee Services, Inc.'s Motion for Summary Judgment. (Related document(s) <u>76</u> Motion for Summary Judgment, <u>85</u> Objection). Proof of Service. Filed by Konilynn Frazer, W Mark Frazer. (CDB) (Entered: 10/31/2011 at 14:43:53)
11/01/2011		<u>88</u>	Response to <i>Plaintiff's Objection To Northwest Trustee Services, Inc's Motion For Summary Judgment</i> (Related document(s) <u>87</u> Objection). Proof of Service. Filed by Aaron C Masser on behalf of Northwest Trustee Services Inc. (Attachments: # <u>1</u> Proof of Service # <u>2</u> EXHBT A) (Masser, Aaron) (Entered: 11/01/2011 at 16:52:20)
11/03/2011			Minutes. Hearing Held. Appearances: Mark Frazier, Plaintiff/Debtor; Aaron Masser, attorney for Northwest Trustee Services Inc. (related document(s): <u>80</u> Motion to Shorten Time to hear Motion for Summary Judgment <u>76</u> Motion for Summary Judgment) Oral Decision will be rendered on 11/7/11 at 1:00 p.m., by Telephone. (SDU) (Entered: 11/07/2011 at 06:49:05)
11/07/2011			Decision to be rendered regarding <u>76</u> Motion for Summary Judgment). The Decision will be rendered by telephone on 11/7/2011 at 01:00 PM. (SDU) (Entered: 11/07/2011 at 06:51:13)
11/07/2011		<u>89</u>	ORDER on Motion for Summary JUDGMENT of Northwest Trustee Services Inc and Striking Trial. (Related Doc # <u>76</u> Motion for Summary Judgment) Signed on 11/7/2011. (PSB) Modified on 11/7/2011 (Beushausen, Paul). Sent to the BNC for mailing to Plaintiffs. (Entered: 11/07/2011 at 15:26:22)
11/07/2011			



			Minutes. Decision Rendered. Appearances: Michelle Riel for Aaron Masser, attorney for Northwest Trustee's Services Inc.; Mark Frazer, Plaintiff/Debtor.(related document(s): <u>76</u> Motion for Summary Judgment) *Court: Decision rendered. Findings of Fact Conclusions of Law read into record; Order entered incorporating this oral decision by reference pursuant to Fed. R. Bankr. P. 7052. (SDU) (Entered: 11/18/2011 at 13:09:47)
11/09/2011		<u>90</u>	BNC Certificate of Notice (Related document(s) <u>89</u> Order Re Motion for Summary Judgment). Notice Date 11/09/2011. (Admin.) (Entered: 11/09/2011 at 21:34:00)
11/17/2011		<u>91</u>	Notice of Appeal to US District Court. Re: BK Internal Appeal No: 11-T016; USDC No: C11-5954BHS. Fee Due \$ 298 (Related document(s) <u>89</u> Order Re Motion for Summary Judgment for Northwest Trustee Services Inc.). Filed by Appellants Konilynn Frazer , W Mark Frazer . Record Transmission due by 12/8/2011, (LJT) Modified on 11/18/2011 (Taylor, Leslie). (Entered: 11/17/2011 at 16:54:31)
11/17/2011		<u>92</u>	Election to Appeal to District Court . BK Internal Appeal Number 11-T016 (Related document(s) <u>91</u> Notice of Appeal). Filed by Konilynn Frazer , W Mark Frazer . (LJT) (Entered: 11/17/2011 at 16:55:56)
11/17/2011		<u>93</u>	Proof of Service . Filed by Konilynn Frazer , W Mark Frazer . (Related document(s) <u>91</u> Notice of Appeal, <u>92</u> Election to Appeal). (LJT) (Entered: 11/17/2011 at 16:57:01)
11/18/2011		<u>94</u>	Letter from Court Requesting Fee \$298.00 for (Related document(s) <u>91</u> Notice of Appeal). Internal Appeal No. 11-T016; USDC No. C11-5954 BHS (LJT) (Entered: 11/18/2011 at 13:26:01)
11/18/2011		<u>95</u>	Notice of Transmittal of Appeal to US District Court. BK Internal No.11-T016, USDC No: C11-5954 BHS. (Related document(s) <u>91</u> Notice of Appeal). (Attachments: # <u>1</u> Record On Appeal# <u>2</u> Counsel Letter). Sent to BNC for mailing to non-electronic Appellants. (LJT) (Entered: 11/18/2011 at 13:57:38)
11/18/2011		<u>96</u>	Sent to BNC for Mailing to Appellants W. Mark and Konilynn Frazer – Notice of Transmittal of Appeal to the US District Court, Notice of Appeal, Order on Appeal, Statement of Election to District Court, Public Docket Report and Counsel Letter. Appeal BK Internal Appeal Number 11-T016; USDC Case No.11-5954BHS (Related document(s) <u>91</u> Notice of Appeal). (LJT) (Entered: 11/18/2011 at 14:06:46)
11/18/2011			Receipt Fof Appeal Filing Fee. Fee Amount \$ 298. Receipt Number 435528 . (NSM) (Entered: 11/21/2011 at 08:26:23)
11/20/2011		<u>97</u>	BNC Certificate of Notice (Related document(s) <u>96</u> Miscellaneous Mailing of PDF Document by the BNC). Notice Date 11/20/2011. (Admin.) (Entered: 11/20/2011 at 21:32:10)
11/20/2011		<u>98</u>	BNC Certificate of Notice (Related document(s) <u>94</u> Letter from Court Requesting Fee). Notice Date 11/20/2011. (Admin.) (Entered: 11/20/2011 at 21:32:10)

11/22/2011		<u>99</u>	Acknowledgment of Appeal by USDC. BK Internal Appeal No: 11-T016. USDC Appeal No: 11-5954 . (Related document(s) <u>91</u> Notice of Appeal).(LJT) (Entered: 11/22/2011 at 14:56:42)
11/29/2011			Audio CD Request. Hearing Date and Time: 10/20/2011, 11/7/2011, 11/3/2011, 7/21/2011. Other Info: proceedings; please send ASAP to Robyn Fiedler at the Buckley address.. Requested by: W. Mark Frazer, pro se. <b>Request for Production of Transcript on Appeal BK Internal Appeal No: 11-T016 USDC Appeal No. 11-5954 due by 12/29/2011.</b> (Court Reporter – Fiedler, Robyn) Modified on 12/21/2011 (Taylor, Leslie). (Entered: 11/29/2011 at 11:53:28)
12/06/2011		<u>100</u>	Statement of Issues on Appeal Re: BK Internal Appeal No: 11-T016. USDC Appeal No. 11-5954. (Related document(s) <u>91</u> Notice of Appeal). Filed by Konilynn Frazer , W Mark Frazer . (LJT) (Entered: 12/06/2011 at 15:52:53)
12/06/2011		<u>101</u>	Designation of Contents For Inclusion in Record On Appeal Re: BK Internal Appeal No: 11-T016 USDC Appeal No. 11-5954 (Related document(s) <u>91</u> Notice of Appeal). Filed by Konilynn Frazer , W Mark Frazer . (LJT) (Entered: 12/06/2011 at 15:55:08)
12/06/2011		<u>102</u>	Proof of Service . Filed by Konilynn Frazer , W Mark Frazer . (Related document(s) <u>100</u> Statement of Issues on Appeal, <u>101</u> Designation of Record on Appeal). (LJT) (Entered: 12/06/2011 at 15:56:31)
12/21/2011		<u>103</u>	Request by USDC for Status of Appeal–Status Request Completed by BK Clerk. BK Internal Appeal No: 11-T016. USDC No: C11-5954 (Related document(s) <u>91</u> Notice of Appeal). (LJT) (Entered: 12/21/2011 at 08:00:00)
01/04/2012		<u>104</u>	Notice to USDC of Deficient Appeal. Internal Appeal No. 11-T016; USDC No: C11-5954BHS (Related document(s) <u>91</u> Notice of Appeal). Sent to BNC for mailing to Appellants. Check Status of Appeal by 4/3/2012. (LJT) (Entered: 01/04/2012 at 09:59:38)
01/04/2012		<u>105</u>	Sent to BNC for Mailing to Appellants (Related document(s) <u>104</u> Notice to USDC of Deficient Appeal). BK Internal Appeal No. 11-T016; USDC No. C11-5954BHS. (LJT) (Entered: 01/04/2012 at 10:01:53)
01/04/2012		<u>106</u>	Transcript regarding Hearing Held 11/07/2011 RE: oral ruling. Remote electronic access to the transcript is restricted until 04/3/2012. The transcript may be viewed at the Bankruptcy Court Clerk's Office. Contact the Court Reporter/Transcriber Robyn Fiedler, Telephone number 425-433-8064.. Notice of Intent to Request Redaction Deadline Due By 1/11/2012. Redaction Request Due By 01/25/2012. Redacted Transcript Submission Due By 02/6/2012. Transcript access will be restricted through 04/3/2012. (Court Reporter – Fiedler, Robyn) (Entered: 01/04/2012 at 14:03:53)
01/04/2012		<u>107</u>	Transcript regarding Hearing Held 11/03/2011 RE: proceedings. Remote electronic access to the transcript is restricted until 04/3/2012. The transcript may be viewed at the Bankruptcy Court Clerk's Office. Contact the Court Reporter/Transcriber Robyn

			Fiedler, Telephone number 425-433-8064.. Notice of Intent to Request Redaction Deadline Due By 1/11/2012. Redaction Request Due By 01/25/2012. Redacted Transcript Submission Due By 02/6/2012. Transcript access will be restricted through 04/3/2012. (Court Reporter – Fiedler, Robyn) (Entered: 01/04/2012 at 14:09:00)
01/04/2012		<u>108</u>	Transcript regarding Hearing Held 10/20/2011 RE: proceedings. Remote electronic access to the transcript is restricted until 04/3/2012. The transcript may be viewed at the Bankruptcy Court Clerk's Office. Contact the Court Reporter/Transcriber Robyn Fiedler, Telephone number 425-433-8064.. Notice of Intent to Request Redaction Deadline Due By 1/11/2012. Redaction Request Due By 01/25/2012. Redacted Transcript Submission Due By 02/6/2012. Transcript access will be restricted through 04/3/2012. (Court Reporter – Fiedler, Robyn) (Entered: 01/04/2012 at 14:11:45)
01/05/2012		<u>109</u>	Transcript regarding Hearing Held 07/21/2011 RE: proceedings. Remote electronic access to the transcript is restricted until 04/4/2012. The transcript may be viewed at the Bankruptcy Court Clerk's Office. Contact the Court Reporter/Transcriber. Notice of Intent to Request Redaction Deadline Due By 1/12/2012. Redaction Request Due By 01/26/2012. Redacted Transcript Submission Due By 02/6/2012. Transcript access will be restricted through 04/4/2012. (Court Reporter – Fiedler, Robyn) (Entered: 01/05/2012 at 15:45:12)

FILED

2011 DEC -6 PM 1:50

M.L. HATCHER, CLK.  
U.S. BANKRUPTCY COURT  
W.D. OF WA AT TACOMA

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

In re:

W. Mark Frazer and Konilynn Frazer,

Appellants,

- vs -

Northwest Trustee Services, Inc.

Appellees.

BANKRUPTCY NO. 10-44491

INTERNAL APPEAL NO. 11-T016

USDC CASE NO. C11-5954

ADV NO. 10-04390

STATEMENTS OF ISSUES ON  
APPEAL

Appellants, W. Mark Frazer and Konilynn Frazer, will present the following issues for appeal (and preserves the right, if issues are unclear, etc., to amend the issues):

**I. STATEMENT ISSUES**

1. Did the court accept direction from *Haines v. Kerner*, 404 U.S. 519 (1972), *Boag v. MacDougall*, 545 US 360 (1982), *Puckett v. Cox* 456 F2d 233 (1972 Sixth Circuit USCA), and *Conely v. Gibson*, 355 US 41 at 48(1957), wherein the court has directed those who are unschooled in law making pleadings shall have the court look to the substance of the pleadings rather than the form?
2. Should the subject Motion for Summary Judgment have ever been allowed, given it's non-compliance with the Amended Scheduling Order and the subject Motion for Summary Judgment's non-adherence to Local Rule 2002-1 and 9013-1?
3. Did the allowance and subsequent Hearing of the subject Motion for Summary Judgment unfairly disadvantage Plaintiff by artificially imposing a burden to due process by the resultant shortened response time limiting Plaintiffs ability to assemble a well researched and reasoned response?

4. Does Northwest Trustee Services, Inc. have the right to foreclose on the subject Note and Deed of Trust when the undisputed material facts demonstrate the foreclosing party does not nor have they ever owned the subject Mortgage Loan?
5. Were the standards for Summary Judgment set forth in established case law (*Querubin v. Thronas*, 107 Hawai'i 48, 56, 109 P.3d 689, 697 (2005)) ignored by the Court in Granting Northwest Trustee Services, Inc.'s Motion for Summary Judgment?
6. Does the Washington State Deed of Trusts Act have jurisdiction over this matter when, by election of all parties to the Pooling and Service Agreement governing the subject securitized mortgage trust (Morgan Stanley ABS Capital I Inc Trust 2006-NC4), is governed first by New York Law regarding any legal conveyance of assets to the trust and the undisputed material facts establish the subject Mortgage Loan was never conveyed or transferred to the subject trust?
7. If the subject Mortgage loan is under the jurisdiction of the Washington State Deed of Trusts Act, did Northwest Trustee Services, Inc. receive a valid Declaration of Beneficial Interests from the legal Beneficiary to the subject Note and Deed of Trust?
8. Did Northwest Trustee Services "self execute" the Appointment of Successor Trustee to the subject Note and Deed of Trust as the form indicates?
9. Did Northwest Trustee Services, Inc. falsify claims to the Court?
10. Were Northwest Trustee Services, Inc.'s actions and deeds Collusion to Defraud?
11. Is the accumulated evidence and case law supportive of the cause of Manifest Injustice as was orally plead at hearing?
12. Is the accumulated evidence and case law demonstrable of the Court's need to assert the *Supreme Law* as a matter of public interest and sound public policy?
13. Did the cumulative effect of the issues enumerated herein deny Plaintiff due process; in other words, one or two issues allow may not rise to the level of reversible error, but do the cumulative effect of the combination of the issues deny plaintiff due process?

DATED this 5<sup>th</sup> day of November, 2011.

  
W. Mark Frazer, *pro se*

  
Konilynn Frazer, *pro se*

FILED

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M.L. HATCHER, CLK.  
 U.S. BANKRUPTCY COURT  
 W.D. OF WA AT TACOMA  
 BY \_\_\_\_\_ DEP CLK.

UNITED STATES DISTRICT COURT  
 WESTERN DISTRICT OF WASHINGTON  
 AT TACOMA

In re:

W. Mark Frazer and Konilynn Frazer,

Appellants,

- vs -

Northwest Trustee Services, Inc.

Appellees.

BANKRUPTCY NO. 10-44491

INTERNAL APPEAL NO. 11-T016

USDC CASE NO. C11-5954

ADV NO. 10-04390

DESIGNATION OF ITEMS TO BE  
 INCLUDED IN THE RECORD ON  
 APPEAL

## DESIGNATION OF RECORD

Appellants, W. Mark Frazer and Konilynn Frazer, designate the following items to be  
 included in the record on appeal:

- 1 The below referenced files together with all papers, documents, exhibits, orders, entries, findings of fact/conclusions of law and pleadings, including any requested written transcripts contained in Case No. 10-04390 PBS.

Date	DE #	Description
11/26/2010	1	Adversary case 10-04390. Complaint by W Mark Frazer, Konilynn Frazer against Deutsche Bank National Trust Company, Northwest Trustee Services Inc.
11/29/2010	2	Summons issued to Pro Se Plaintiffs for Service on Defendant Deutsche Bank National Trust Company Answer Due 12/29/2010
12/14/2010	5	Northwest Trustee Services Inc Answer Due 12/29/2010
02/11/2011	11	Proof of Service Filed by Konilynn Frazer, W Mark Frazer
04/05/2011	13	Notice of Trial and ORDER Setting Deadlines
		Ex Parte Motion for Order Granting Extension of Trial Continuance Deadline



04/07/2011	17	Motion for Summary Judgment of Defendant Deutsche Bank National Trust Company
04/07/2011	19	Declaration of Ronaldo Reyes and all Exhibits
04/27/2011	22	Stipulation by and between Deutsche Bank, W. Mark Frazer, Konilynn Frazer and Northwest Trustee for Order Continuing Trial Date
04/28/2011	24	Objection to Motion for Summary Judgment of Defendant Deutsche Bank National Trust Company and Motions for Judgment on the Pleadings and all Exhibits
04/28/2011	25	Objection to Motion for Summary Judgment of Defendant Deutsche Bank National Trust Company and Motions for Judgment on the Pleadings and all Exhibits
04/29/2011	31	Motion for Order Continuing Trial Date with Notice of Hearing and Proposed Order
05/05/2011	35	Debtor Plaintiff's Sur-Reply in Opposition to Defendant Deutsche Bank National Trust Company's Motion for Summary Judgment
05/05/2011		All Hearing Minutes recorded on this date
05/27/2011		All Hearing Minutes recorded on this date
05/27/2011	36	ORDER Granting Defendant's Motion for Summary JUDGMENT
06/14/2011	43	Amended Notice of Trial and ORDER Setting Deadlines
06/22/2011	50	Transcript regarding Hearing Held 01/20/2011
06/22/2011	51	Transcript regarding Hearing Held 05/05/2011
06/22/2011	52	Transcript regarding Hearing Held 05/27/2011
06/29/2011	60	Motion for Stay Pending Appeal
07/18/2011	65	Response to Motion for Stay Pending Appeal
07/18/2011	67	Declaration of No Objection to Motion for Stay Pending Appeal
07/19/2011	68	Received UNSIGNED Order
07/19/2011	69	Lodged Proposed Order filed 07/18/2011
07/21/2011		All Hearing Minutes recorded on this date including Transcripts requested by Plaintiff
08/19/2011	73	Letter from Frazer to Judge
09/01/2011	74	Notice Re Pre-Trial Conference
09/22/2011		All Hearing Minutes recorded on this date
09/23/2011	76	Motion for Summary Judgment
09/29/2011	80	Motion to Shorten Time
10/03/2011	81	Hearing Notice
10/18/2011	83	Objection to Motion to Shorten Time
10/20/2011	84	Response to Objection to Motion to Shorten Time
10/20/2011		All Hearing Minutes recorded on this date including Transcripts requested by Plaintiff

10/28/2011	85	Objection to Motion for Summary Judgment
10/31/2011	87	Amended Objection to Motion for Summary Judgment
11/01/2011	88	Response to Amended Objection to Motion for Summary Judgment
11/03/2011		All Hearing Minutes recorded on this date including Transcripts requested by Plaintiff
11/07/2011		Oral Telephonic Ruling - All Hearing Minutes recorded on this date including Transcripts requested by Plaintiff
11/07/2011	89	Order Re Motion for Summary Judgment

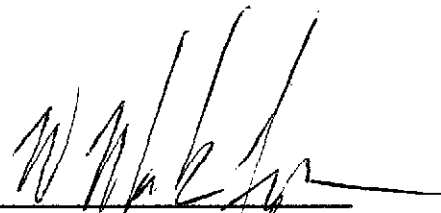
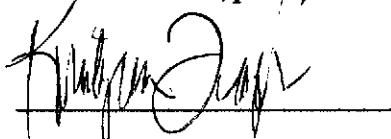
- 2 The below referenced files together with all papers, documents, exhibits, orders, entries, findings of fact/conclusions of law and pleadings, including any requested written transcripts contained in Case No. 10-44491 PBS.

Date	DE #	Description
		Claim filed by Deutsche Bank National Trust Company
		Amended Claim filed by Deutsche Bank National Trust Company
06/02/2010	1	Chapter 13 Voluntary Petition
07/28/2010	17	Objection to Claim Number 4 of Claimant Deutsche Bank National Trust Company
07/28/2010	18	Declaration of W Mark Frazer and Konilynn Frazer in Support of Objection to Claim of Deutsche Bank National Trust Company
07/28/2010	19	Response to Deutsche Bank national Trust Company's Objection to Confirmation of Plan
08/04/2010	23	Objection to Notice and Motion for Dismissal
08/05/2010		All Hearing Minutes recorded on this date.
08/13/2010	26	Amended Chapter 13 Plan Dated
08/13/2010	27	Amendment to Schedules B and C
08/31/2010	31	Answer to Response to Objection to Claim of Deutsche Bank National Trust Company
09/02/2010	32	Response to Deutsche Bank National Trust Company's Objection to Confirmation of Amended Plan
09/24/2010	38	Motion for Reconsideration of Payment Order.
09/27/2010	42	Affidavit <i>In Support of Proof of Claim</i>
10/04/2010	46	Reply to Second Response to Objection to Claim of Deutsche Bank National Trust Company
10/05/2010	47	Reply to Deutsche Bank National Trust Company's Response to Motion for Reconsideration of Payment Order
10/05/2010	48	Answer to Affidavit of Wells Fargo Filed September 27, 2010
10/05/2010	49	Affidavit of Forensic Loan Auditor and Exhibit
10/06/2010	50	Response (Motion) to Strike Deutsche Bank National Trust Company's Response to Motion to Reconsideration of

		Payment Order
10/06/2010	51	Declaration of Daniel M Edstrom
10/15/2010	53	Answer to Affidavit of Deutsche Bank Filed October 8, 2010
10/16/2010	54	Amended Affidavit <i>in support of Proof of Claim by Deutsche Bank National Trust Company</i> and Exhibits
10/22/2010	57	Supplemental Declaration in Support of Motion for Reconsideration of Payment Order
10/27/2010	58	ORDER Denying Motion for Reconsideration, ORDER Sustaining Deutsche Bank National Trust Company's Objection to Confirmation and ORDER on Debtors Objection to Claim of Deutsche Bank Trust Company
10/28/2010	59	Amended ORDER Denying Motion for Reconsideration
11/26/2010	61	Adversary case 10-04390
11/29/2010	62	Amendment to Schedule F
12/09/2010	63	Motion <i>to Amend Payment Order</i>
01/11/2011	67	Trustee's Response to <i>Motion to Amend Payment Order</i>
01/13/2011	68	Objection to Motion for Relief from Stay buy Deutsche Bank National Trust company
01/20/2011		All Hearing Minutes recorded on this date
01/26/2011	69	ORDER on Debtors Motion to Amend Payment Order and Motion for Relief from Stay by Deutsche Bank National Trust Company.
02/09/2011	70	Motion to Convert Case from Chapter 13 to 7
02/09/2011	71	Supplemental Filing of Exhibits
02/11/2011	74	Supplemental Filing of Exhibits
02/11/2011	75	ORDER Granting Motion to Convert Chapter 13 Case to Chapter 7.
03/25/2011		Chapter 7 Trustee's Report of No Distribution
02/28/2011	88	Schedules
05/10/2011	104	Motion to Waive Provisions of 11 USC 727(A)(8)
06/29/2011	108	2 <sup>nd</sup> Amended Motion to Waive Provisions of 11 USC 727(A)(8)
07/18/2011	109	Declaration of No Objection
07/18/2011	110	Received UNSIGNED Order
07/19/2011	111	Lodged Order 2 <sup>nd</sup> Amended Motion to Waive Provisions of 11 USC 727(A)(8)
07/21/2011		All Hearing Minutes recorded on this date.
07/26/2011	113	Order Re 2 <sup>nd</sup> Amended Motion to Waive Provisions of 11 USC 727(A)(8)
08/30/2011	115	Ineligibility of Discharge
11/03/2011	117	Case Closed Without Discharge

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DATED this 5<sup>th</sup> day of December, 2011.

  
\_\_\_\_\_  
W. Mark Frazer, *pro se*  
\_\_\_\_\_  
Konilyn Frazer, *pro se*

FILED

W. Mark and Konilynn Frazer, pro se  
10404 45<sup>th</sup> St Ct E  
Edgewood, WA 98372  
253-820-8245  
Fax: 253-799-9127

Honorable Judge Paul B. Snyder

2011 DEC -6 PM 1:50

M.L. PATCHER, CLK.  
U.S. BANKRUPTCY COURT  
W.D. OF WA AT TACOMA  
BY \_\_\_\_\_ DEP. CLK.

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WASHINGTON AT TACOMA**

In re:

W. Mark Frazer and  
Konilynn Frazer

Debtors.

W. Mark Frazer and  
Konilynn Frazer

Plaintiffs

-vs.-

Northwest Trustee Services, Inc.

Defendant

BK Case No: 10-44491 PBS

INTERNAL APPEAL NO. 11-T004

USDC CASE NO. C11-5454

ADV. No. 10-04390-PBS

PROOF OF SERVICE.

**PROOF OF SERVICE**

I declare under penalty of perjury under the laws of the State of Washington that I mailed via US Mail a true and correct copy of the STATEMENTS OF ISSUES ON APPEAL and DESIGNATION OF ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL in the above captioned case to the following:

Northwest Trustee Services, Inc.  
C/O Aaron Masser  
Routh Crabtree Olsen, PS  
13555 SE 36<sup>th</sup> St, Suite 300  
Bellevue, WA 98006

DATED this 6<sup>th</sup> day of November, 2011.

  
W. Mark Frazer, pro se

Proof of Service

1

W. Mark and Konilynn Frazer, pro se  
10404 45<sup>th</sup> St Ct E, Edgewood, WA 98372